

THE HONORABLE RICARDO S. MARTINEZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UTHERVERSE GAMING LLC,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

Case No. 2:21-cv-00799-RSM

JOINT STATUS REPORT

Plaintiff Utherverse Gaming LLC (“Utherverse Gaming”) and Defendant Epic Games Inc. (“Epic”) (collectively, the “Parties”) hereby submit the following Joint Status Report pursuant to the Court’s Order on February 12, 2024 (Dkt. No. 391) requiring the parties to file a joint status report setting forth the remaining issues in the case, remaining/proposed case scheduling deadlines, and a proposed trial date.

Remaining Issues: The only remaining issues to be decided during a trial by jury are Utherverse Gaming’s allegations of Epic’s direct infringement of claims 2, 5 and 8 (collectively “the Asserted Claims”) of U.S. Patent No. 9,724,605 (“the ’605 Patent”), and Epic’s defense and counterclaim of noninfringement and affirmative defense and counterclaim of invalidity of the Asserted Claims of the ’605 Patent.

Proposed Case Scheduling Deadlines: The Parties agreed to participate in alternative dispute resolution post summary judgement and anticipate scheduling a neutral third-party directed mediation prior to the filing the Joint Pretrial Order. Fact and expert discovery are completed, the Court has issued its rulings on all filed Summary Judgment and Daubert motions, and the only remaining scheduling deadlines for proposal to the Court are for pretrial activities and trial. The Parties proposed the following pretrial schedule:

Deadline	Task	Includes
July 22, 2024	Parties exchange proposed jury instructions and proposed verdict form	
July 22, 2024	Plaintiff’s Pretrial Statement	Brief statement as to: 1. Federal Jurisdiction 2. Claims 3. Admitted Facts 4. Issues of Law Witness list and expected testimony Exhibit list Deposition designations

Deadline	Task	Includes
August 5, 2024	Defendant's Pretrial Statement Defendant's objections to Plaintiff's: Witness List, Exhibit List, and Depo Designations Defendant's Counter Depo Designations	Brief statement as to: <ol style="list-style-type: none"> 1. Federal Jurisdiction 2. Affirmative defenses 3. Admitted Facts 4. Issues of Law Witness list and expected testimony Exhibit list Affirmative Deposition designations
August 12, 2024	Parties exchange redlines of jury instructions, verdict form	
August 19, 2024	Plaintiff's objections to Defendant's: Witness List, Exhibit List, Depo Designations, and Counter Depo Designations Plaintiff's Counter Depo Designations Plaintiff's Rebuttal Exhibit List (Invalidity)	
August 27, 2024	Meet and Confer re: Joint Proposed Pretrial Order	
August 27, 2024	Defendant's objections to Plaintiff's Counter Depo Designations Defendant's objections to Plaintiff's Rebuttal Exhibit List	
August 30, 2024	Motions in Limine Due	
September 6, 2024	Joint Proposed Pretrial Order Submit combined Jury instructions with color coded not agreed to	Brief statement as to: <ol style="list-style-type: none"> 1. Federal Jurisdiction 2. Claims and defenses 3. Admitted Facts

Deadline	Task	Includes
	instructions (red for Plaintiff, blue for Defendant) Submit proposed verdict form	4. Issues of Law Witness list and expected testimony Exhibit list w/objections Proposed deadline as to voir dire
September 9, 2024	Response to Motions in Limine Due	
September 13, 2024	Noting date for Motions in Limine	
September 23, 2024	Pretrial conference	
October 7, 2024	Trial Date	

Proposed Trial Date: The Parties anticipate that trial should only be 4 to 5 days, and propose the first day of trial begin on October 7, 2024.

DATED this 4th day of March, 2024

Respectfully submitted,

/s/ Emily C. McNally

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2 Dated: March 4, 2024

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